

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Soverain Software LLC

Plaintiff,

v.

J.C. Penney Corporation, Inc., *et al.*,

Defendants.

Civil Action No. 6:09-cv-274

Judge Leonard Davis

**STIPULATION TO DISMISS VICTORIA'S  
SECRET STORES BRAND MANAGEMENT, INC.**

Defendants Victoria's Secret Stores Brand Management, Inc. ("VS Stores"), Victoria's Secret Direct Brand Management, LLC, and Avon Products, Inc., and Plaintiff Soverain Software, LLC ("Soverain") (collectively, the "Parties") file this stipulation to dismiss Soverain's complaint against VS Stores and VS Stores' counterclaims against Soverain without prejudice.

WHEREAS, Victoria's Secret Direct Brand Management is the entity that owns and operates the Victoria's Secret website and Victoria's Secret Direct Brand Management will not contend at trial that some other Victoria's Secret entity is responsible for the accused conduct.

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the Parties hereby stipulate, subject to approval of the Court, that:

1. Plaintiff's complaint against VS Stores is dismissed without prejudice;
2. VS Stores' counterclaims against Soverain are dismissed without prejudice; and
3. Each party shall bear its own attorney's fees, expenses and costs.

STIPULATED AND AGREED: November 11, 2011

SIEBMAN, REYNOLDS, BURG, PHILLIPS  
& SMITH, LLP

/s/ Michael C. Smith w/permission

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ATTORNEYS FOR PLAINTIFF

Respectfully submitted,

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**COUNSEL FOR DEFENDANTS:  
VICTORIA'S SECRET STORES BRAND  
MANAGEMENT, INC.; AND  
VICTORIA'S SECRET DIRECT BRAND  
MANAGEMENT, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this 11<sup>th</sup> day of November, 2011. Any other counsel of record will be served via facsimile.

/s/ Charles Ainsworth  
Charles Ainsworth